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OUR NEGLECTED ALLY

by Louis P. Lochner

The independent, democratic German newspaper editor, who carries the chief responsibility for remolding the German mind, is today our most potent and devoted ally in that country. Yet we in the American zone of occupation have so far failed to give him the support he deserves. He is undernourished physically and frustrated spiritually -- much worse off than are his colleagues in the other zones.

I have been with many of these editors and publishers. During 1945, I stopped with German colleagues in Wuerzburg, Nuremberg, Augsburg, Darmstadt, Ulm and other cities, attended the licensing ceremony of the first post-war Munich news sheet, and sat around in unheated editorial sanctums of the post-Hitler Berlin newspapers. I was present at the first social get-together arranged by the newly constituted Berlin Press Association late in 1945. I addressed a group of German publishers at Heidelberg early in 1946. I conferred with Teuton newsmen in Stuttgart, Frankfurt, Wiesbaden and Berlin while on the Hoover economic mission in 1947. My knowledge of the German publishing situation is therefore not theoretical.

I am convinced that the independent German editors are our most responsible and potentially competent collaborators in the effort to lead Germany back into the paths of representative government. But I am also persuaded that we are not giving them proper support. They are worse off even than are the editors representing political party organs.

This discrepancy stems from the fact that American Occupation authorities have insisted that licensees of newspapers within their zone must be independent of political parties, whereas the other Powers -- especially the Russians -- encourage partisan publications. Under the Russian setup, the political parties take care of their members who are on the newspaper staffs. The Russians themselves see that the journalists get sufficient food and the wherewithal to live.

We originally set up newspapers independent of political parties on the assumption that, during the first years of occupation, there would be no political-party life in Germany. But when the Russians

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authorized the founding of four parties in Berlin (which in due time could be merged with the Communist Party), we approved their action, more out of zeal to get along with the Russians than out of wisdom. Having agreed to the resumption of political partisanship in the capital, we could not well deny the same privilege to Germans in the American zone.

II

We still adhered, however, to our policy of licensing independent newspapers only, at first even insisting that the editorial boards contain representatives of all parties, including the Communists. But we did not, and do not, provide the additional food and goods without which healthy life is today impossible in Germany. The political parties, not owning the newspapers, and frequently in violent altercation with them, of course do not help either. The result is that the independent journalist in the American zone is often faced with what practically amounts to slow starvation.

A specific example of what the tribulations of a licensed newspaper in the American zone can be was recently given me by an outstanding German journalist. AMG urged him, because of his exceptional ability, to become licensee of a paper. He did so and, as AMG's support stopped with the pleading, this is what happened to the staff:

In January, 1948, the publisher went on sick leave with stomach trouble due to lack of fats. In March, his managing editor had a nervous breakdown, the city editor had a heart attack, and the secretary to the editor-in-chief broke down from overwork and incipient tuberculosis. Early in April, the general news editor left because of complete exhaustion. At the end of April my correspondent himself, the editor-in-chief, suffered a heart attack and is now in a sanatorium.

"Please remember," he wrote, "that not one person on this editorial staff, which was licensed for the purpose of advancing democratic thought, had at any time been a Nazi. The two principal publishers, on the contrary, were in concentration camps. Furthermore, not a single independent German journalist receives any material support from AMG, while scribes in the Russian zone receive 'Stalin packages'. The German bureaucrats, who are now doing pretty much as they please, regard us as a thorn in their flesh. And since they control the distribution of food they are gradually starving us out. The American authorities grant us our license and then disinterest themselves in us -- 'see how you get along', they say. Well, we do get along, with ever diminishing strength, until we break down."

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III

In addition to physical hardships, the independent German editors are often completely frustrated by limited supplies of newsprint. At the same time they note, not without bitterness, that the political parties always seem to have ample paper for partisan posters and leaflets, and that the Occupation bureaucracy fairly wallows in paper. They feel further handicapped by limitations on travel abroad, by the difficulty of obtaining foreign newspapers and magazines, and by restrictions on serial rights to worth-while foreign books.

It is true, of course, that in Germany the first and main consideration of most people is for food, clothing and shelter. But that is not the entire picture. Again and again I receive letters testifying to the spiritual hunger of millions of Germans.

Visitors are always impressed by the eagerness with which the average German, who is an avid reader and a glutton for facts and figures, seizes upon the daily newspaper. The influence of the printed word is tremendous, for the Germans are not as radio-conscious as Americans. Newspapers are passed from hand to hand until illegible.

We have from the beginning of our occupation shown ineptness in dealing with our real allies among the German people. At first we hounded prospective editors with questionnaires until they were ready to desist from further efforts to start papers. One publisher who had been in a concentration camp because his paper had opposed Hitler told me in the summer of 1945 that he had that morning received his 24th questionnaire. Later, at the Nuremberg trials, less than a dozen out of nearly 150 seats were assigned to the German press -- though the Germans were the ones who needed to be told what the Nazis had done.

But that was not all. Our German colleagues, all of them picked men with staunch anti-Nazi records, were not allowed to eat in the general mess, where there was wholesome food. They had to content themselves with the inferior food for Germans. The large Nuremberg mess was a miniature league of nations, with reporters, clerks, stenographers, interpreters, lawyers and military officers from every quarter of the globe in attendance. Russian totalitarians mingled freely with us. But German democrats were "verboten". They were pariahs, although their task was that of making an important contribution towards democratic re-education by their reports on the War Crimes Trial.

IV

Just before I left Berlin the last time, a young German newsman of great promise came to see me. He presented his problem thus:

"I have turned down all offers to work in the Russian zone, although the material inducements were great, especially for a man with

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a growing family. Your Military Government people encourage me to go on one of the licensed papers in your zone. I have several fine offers -- fine in the sense that they afford excellent opportunities for development. But nobody can assure me that I shall have enough to eat in my new place of work, or that my family will find clothing and shelter. Supposing, on the other hand, I stay in Berlin and continue on the American-licensed Tagesspiegel. Who will protect me in case the Russians try to kidnap me?"

I could give him no reassuring answer.

Germany today is an ideological battleground, on which we face an adversary thoroughly trained in the art of influencing public opinion. Is it not time that we cease neglecting our most valuable ally, the democratic, anti-Nazi editor?

What can be done about it? Many towns, societies, churches and individuals have "adopted" Europeans in distress. Might not American newspapers and news associations each adopt the small editorial staff of one of the 50-odd licensed German newspapers in the American zone, sending parcels of food and clothing at stated intervals, perhaps using the American Newspaper Publishers' Association as a clearinghouse to make sure that there is no duplication? A suit cast off by an American publisher still looks mighty good to his opposite German number!

It would encourage an independent German editor, also, to receive occasional packages of American newspapers, periodicals and magazines, and thus see for himself how public debate is carried on and information dispensed in a country where free speech prevails. Restrictions on newsprint and copyrights might also be eased.

Finally, some way should be found to bring German editors from the American zone to the United States, for study of the American press and other means of influencing public opinion. The action of the American Press Institute in bringing over the 15 German editors now in the United States should be repeated many times. It would be a solid investment in ultimate American security, for western Germany is now our own frontier.

Louis P. Lochner, Pulitzer Prize winner and veteran newspaper correspondent, headed the Berlin office of the Associated Press from 1928 to 1941.

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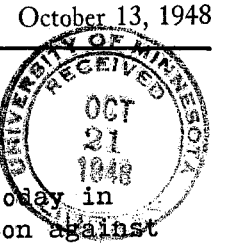
Not Merely Gossip *A Supplement to* Human Events October 13, 1948



By Frank C. Hanighen

Ennui with the Presidential campaign is a conspicuous phenomenon today in Washington. One reason for its existence, apart from the normal reaction against "campaign oratory", is the absence of Congress, always a great fertilizer of comment, discussion and news in the Capital. But, principally, boredom arises from the common assumption that Dewey's victory is certain -- and "that is that". A favorite story in the past week points up the situation. George Allen, long known as a Truman "court jester", is not participating in the campaign but is nevertheless a very interested observer. He recently visited the White House, as the story goes, and there faced the dejected figures of Steelman and Clifford, slumped in their chairs, uttering the most pessimistic observations. Allen turned to irony in commenting on the picture. "Well", he remarked, "it looks to me as if the only danger you confront is that of over-confidence". With this sort of derisive size-up, most observers turn their attention to other matters.

One of these is the political situation in the South to which some political writers are giving belated attention. The Thurmond avatar has unfortunately received less press notice than it deserves. Whether the States' Rights Democratic Party comes to anything or not, the development should have had better coverage. It will certainly capture some electoral votes; Wallace will undoubtedly receive none. Yet, the New York Times and the Baltimore Sun waste reportorial talent watching Wallace instead of sending skilled observers to follow Thurmond and Wright. As a result, too little is known in Washington about the progress of a movement which has so far obviously made far more headway than originally expected.

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The Vinson episode may later be appraised as the coup de grace of the Truman campaign for re-election, although today the comments hardly have the flavor of an historian's detachment. What phosphorus, or lack thereof, prompted this extraordinary brain fantasy? As a matter of fact, a number of observers had been anticipating something of the sort. It has long been felt that the amateur Machiavellians in the White House would attempt some coup de theatre in the foreign field. Either a threat of war, or some melodramatic overture for peace, loomed before the eyes of the kitchen cabinet as the only remedy for snatching victory from defeat. The prevailing ignorance of foreign affairs among such counsellors as Clifford, Steelman and Niles can only account for the clumsiness of the idea of sending the Chief Justice to stand mortarboard in hand outside the Kremlin door. Only stupidity could have assumed that Marshall would agree to the proposal.

Among observers in the Capital there is much discussion as to why a "peace move" appeared indicated to the White House brain trust. One piece of information, supplied by reliable sources, offers a clue. It is reported that, several weeks ago, the State Department called in a number of prominent editors, publishers and newspapermen for an extraordinary "seminar". Some say that the ostensible objective was to determine from these press leaders just what would be the American public's reaction to a call for a declaration of war against Soviet Russia. The State Department got the impression that the public reaction would not prove favorable, at least without a convincing casus belli. With that, the State Department (and presumably the White House) retired to think it over. The conclusion is drawn that it was the White House which inspired this piece of opinion-research in order to

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prepare a basis for action designed to affect the political campaign. But, war as a solution having been eliminated, a peace charade offered the only alternative. Hence the farcical proposal to send Vinson to Moscow.

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From sources within the Pentagon, we learn that a hotly debated but so far highly secret issue remains unresolved and that defense chiefs want to present it, in all its stark contours, to the public. On the outcome depend the limits of our foreign policy and our defense system. The result could spell the elimination of many commitments abroad as well as disappearance of some defense measures hitherto regarded as essential. The story of the Pentagon crisis runs as follows:

Last winter Forrestal decided that the military budget must be based on a "war plan". The Joint Chiefs of Staff went to work and finished the proposed plan in April. A month later service experts reported that it would cost $31 billion for the year 1949-50. The magnitude of the estimate jarred, to say the least, Secretary of Defense Forrestal. The figure stood in contrast with current military appropriations of $13.5 billion and closely approached the whole cost of running the entire Government. The military experts were ordered to reconsider the figure, and to cut. After a month of paring, they were only able to get it down to $29 billion. Then Forrestal took an extraordinary step. Each service, he ordered, should take a hand in cutting the budgets of the other services. After a great deal of bad feeling and pencil work, they produced the figure of $23 billion -- still far above the $15 billion maximum figure which the President has set. The only way to cut further is to reduce the scope of the "war plan".

No one is deluded as to the implications of this crisis. Either the country must submit to a greatly increased military budget, with necessary additional taxes to support it, or the present global foreign policy must be cut to fit a greatly reduced war plan geared to a $15 billion military budget. There is an alternative which the honest defense chiefs shrink from taking: to continue our global foreign commitments in gross lack of balance with the military force needed to implement them. During the rest of the Presidential campaign, the public should be given the facts about this dilemma; but the chances are that the public will not get them.

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Lobbyists in Washington are happily looking forward to a lively business during the coming session of Congress. The immediate cause of their rejoicing is the abandonment of the basing point system, by various firms, as a result of the Supreme Court decision in the cement case. Some firms are seeking counsel in the hope of making the basing point system legal; others want to maintain the new status; still others just want to know "where we stand". The cement industry wants the old system restored and is reportedly taking steps towards that end. On the other hand, some regional interests want to maintain the new status. Several weeks ago this column reported that New England would either have to face the loss of hard-goods industries which would move near large steel centers as a result of the new situation, or it must create its own steel industry. Significantly, the Boston Herald which boosts the latter course calls for measures to fight restoration of the basing point system. Presumably that means lobbying.

The Eighty-first Congress, therefore, should behold a struggle in its corridors quite different from that prevailing in the Thirties. Then Labor and Capital, distinctly in "caps", clashed under the Dome and "vested interests" battled with New Deal bureaucrats on the matter of "class legislation". The prospect for tomorrow is one of struggles between various interests over the body of the Legislature. And it is quite possible that labor unions will be found ranged alongside business interests, combatting combinations of other labor unions and other business con-

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cerns. Although the Daily Worker will insist that it is the same old class struggle, one may anticipate that the outlines of the picture on Capitol Hill will be "vertical" rather than "horizontal".

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In the past week, the question of Spain has generated considerable news -- and considerable hypocrisy. The news has made it rather clear that the American armed forces want Spain as a potential base, a final bridgehead in southern Europe in case of Russian attack on the West. The hyprocisy comes largely from the Western European nations -- Britain, France and Italy. The press of those countries claims that too much "emotional" and "ideological" resistance remains against the Fascism of Franco to permit a new relationship at this time. There may be a few really sincere souls in those countries (like Norman Thomas here in the U. S.) who uncompromisingly and consistently oppose all totalitarianism, whether in Russia or Spain. But the real reason for most of the current uproar in London and Paris arises from reasons of the pocketbook rather than of political idealism.

It is true that the Socialist Party in France traditionally has taken a hostile attitude towards Franco. But if the French Socialists could see any political deal by which a rapprochement with Spain could be exchanged for a bolstering of their political position in France, we might hear very little about "Spanish Fascism". Similarly, the Labour Government in Britain can usually overlook the character of the government of other nations when the British Exchequer profits. Thus, it is noticeable that Britain (and France, too) is engaging in very brisk trade relations with the land of the Caudillo.

What the chancelleries in Paris and London really fear in a rapprochement with Spain is no moral taint in "associating with Fascism". Full recognition of Spain, admission of that country to the UN, etc., would be but a preliminary to economic help. The United States wants to build up Spain militarily; therefore it must help to build it up economically. The twenty-odd Spanish divisions need not only arms, but also transport; indeed Spanish military power, to be effective, requires a general revival of the Spanish economic system, never fully recovered from the Civil War. Spain, in short, stands in line for U. S. economic aid. But, since our foreign economic assistance must be limited, Spain's share would presumably be followed by smaller shares for Britain and France. And if Socialists in Britain and France obtain fewer dollars, their political power will be thereby diminished. Fundamentally, politics, not ideology, dictates the opposition to rapprochement with Spain.

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Hands-across-the-hemisphere meetings usually result in little but amiable exchanges of greetings and avoidance of truths unpalatable to both Latin America and the U. S. Herbert Hoover, however, talked bluntly at the "Annual Birthday of the Americas" in New York, on Tuesday, October 12, 1948. "We need no Marshall Plan for the Americas", he said. "They are going concerns. We need methods to release the capital energies of the peoples. And that becomes mostly a job of removing obstacles. For example: (a) Our neighbors must be convinced that we have no imperialistic motives and seek no political power through our commercial expansion. (b) Our citizens must be given confidence that, if they work honestly under the rules of any country, those rules will not be changed so as to injure the safety and returns on their effort. (c) We must solve the obstacle of double, triple, and even quadruple taxation on returns from enterprise. Our government as well as those of the countries where we do business all take several taxation whacks at returns from international enterprise. Today, unless it be a bonanza business, most enterprise cannot get back even its original capital after it has run this gauntlet. The promise of most international enterprise, after these taxes, is no way commensurate with the risks. We badly need co-operation between our governments to find some way to restrain these joint onslaughts on returns from risk."

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Book Events

Liberty Against Government: by Edward S. Corwin. Baton Rouge Louisiana State University Press. $3.00. Reviewed by J. M. Lalley.

Professor Corwin gives us here a brief but immensely instructive study of the principle of judicial review as a restraint upon the powers of government. This principle proceeds, as he shows us, from two historical factors: first, of course, the constitutional separation of powers; second, the ancient tradition of a natural law transcending all positive law. In medieval England the jurisconsults associated the natural law with the idea of "immemorial custom", and thus provided the psychological sanction of the Great Charter. The great importance of the natural law in legal history, therefore, is its qualification of the concept of sovereignty.

The early English Parliaments became guardians of the Charter against the ambitions of the monarch. But when the principles of the Charter had been absorbed into the Common Law, and when the monarchs after the Reformation began to justify their ambitions on the ground of parliamentary sanction, the judges invoked the Common Law against both Parliaments and kings. Thus Sir Edward Coke asserted that whatever acts of Parliament might be contrary to Common Law or to the law of nature were necessarily void, and this principle, subsequently rationalized in the political philosophy of Locke, had a profound influence on the framers of the American Constitution. But a countervailing influence was exerted by Sir William Blackstone, into whose Commentaries had been incorporated the notion of an absolute sovereignty of the legislative power, previously rationalized by Thomas Hobbes.

Out of these two influences arose the conflict between the ideals of liberty and equality, assumed in the doctrine of Locke and Jefferson to be compatible and harmonious. The conflict, however, was not apparent in the earlier decisions of the Supreme Court, which equated liberty against law with the rights of property. But when the Court became permeated with the Jacksonian gospel of popular sovereignty and the doctrine of Chief Justice Taney that there can be no implicit limitations to the power of the people to promote their own welfare and happiness, the regulatory power of the states became the "police power". Thus it was that lawyers defending the interests of property seized upon the "due process" clauses of the state constitutions and the Fifth Amendment, which seem originally to have referred to the procedure in penal trials, as a protection against what was construed as punitive legislation.

The inclusion of "due process" into the Fourteenth Amendment seems to have been with the intention of restoring the principle of equality to the concept of natural rights. The Court, however, in its eagerness to redress the Federal balance, separated the concept of "privileges and immunities" from that of "due process", holding that the former applied only to the freedmen. Thus the Amendment was to become a device for the protection, not of civil rights, but of the "vested interest" of corporate business, in an age of rapid industrial expansion when popular pressure on legislatures to exert their police powers in the economic field was growing more intense. This was countered by a demand from the bar, dominated by corporation lawyers, for an unlimited judicial supervision of the police power. To justify it, a new theory of "natural law" was formulated, based not on theology but on the evolutionary doctrines of Spencer and Darwin. By the end of the century this formula was adopted by the Court in cases involving freedom of contract, especially in the field of labor relations. But the formula, observes Professor Corwin, was already an anachronism, and in 1937 Chief Justice Hughes, recognizing "the necessities of the situation", was obliged to disassociate the ideas of liberty and freedom of contract. Thus "due process" ceased to be limitation on governmental power, and now the question, which the professor decides to leave unanswered, is whether such limitations are any longer possible.

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